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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 DOMINGO GERMAN MACAVILCA,

10 Plaintiff,

11 v.

12 WARDEN WIGGEN, *et al.*,

13 Defendants.

No. C08-5637 FDB

**ORDER ADOPTING REPORT AND  
RECOMMENDATION DISMISSING  
ACTION AS ABANDONED**

14 The Magistrate Judge recommends that this civil rights action be dismissed as  
15 abandoned. Plaintiff has not filed an objection.

16 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen  
17 L. Strombom, and the remaining record, does hereby find and ORDER:

- 18 (1) The Court adopts the Report and Recommendation.  
19 (2) Plaintiff's action is **DISMISSED WITHOUT PREJUDICE** pursuant to Rule  
20 41(b)(2) of the Federal Rules of Civil Procedure.  
21 (3) The Clerk is directed to send copies of this Order to Plaintiff and to the Hon.  
22 Karen L. Strombom.

23 **DATED** this 24<sup>th</sup> day of February, 2010.

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FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE